

**REMARKS/ARGUMENTS**

The Office Action of October 27, 2006 has been carefully reviewed and the paper is Applicant's response thereto. Claims 1-27 were pending. Claims 11-19 and 25-27 are withdrawn. Claims 1-10 and 20-24 stand rejected. With this response, claims 1 and 20 have been amended. Applicant respectfully traverses the rejection of the pending claims in view of the above amendments and the following remarks.

**Rejection of the Claims under 35 U.S.C. §102**

Claims 1-6 and 20-23 are rejected under 35 U.S.C. § 102(b) as being anticipated by Garrett (5,519,954). Claims 1 and 20 have been amended to clarify the structure of the magazine catch, which is not the same as the lever tooth 52 of Garrett and also provides a different function. The amendments are supported at least by paragraph [50] and Figure 8a (shown below) of the application as filed.

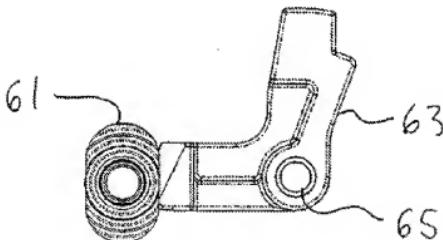


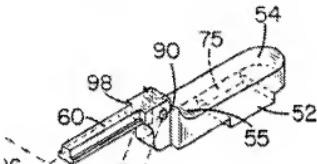
Figure 8a

Amended claims 1 and 20 recite, in part, a magazine catch "comprising a curvilinear surface and an angular notch, the curvilinear surface configured to prevent interference of the magazine catch with the locking feature during insertion of the magazine, wherein the magazine catch is configured to rotate as the tabbed magazine is being inserted and the angular notch is

configured to engage a locking feature on the tabbed magazine when the tabbed magazine is fully inserted into the receiver well."

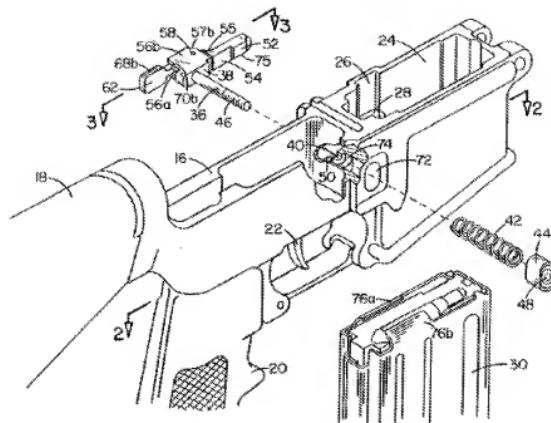
The relevant portion of FIG. 3 from Garrett is shown below for convenience.

FIG. 3



As evident from the depiction of tooth 52, Garrett does not disclose at least a magazine catch comprising a curvilinear surface configured to prevent interference of the catch with the locking feature during insertion of the magazine. The dotted lines in FIG. 3 show that tooth 52 is formed entirely of straight lines and angles, which do not provide the function of preventing interference of the tooth with the locking feature of a magazine as it is inserted into the receiver well of a firearm. In fact, Garrett teaches the employment of a particular type of magazine that has curved feeding lips 76a and 76b (See FIG. 2 of Garrett below) to contact "a bevel 75 of tooth 52 allowing tooth 52 to "ride over" magazine 30 pushing tooth 52 out of magazine well 24 when magazine 30 is inserted into magazine well 24." (Column 6, lines 62-65) Thus the firearm of Garrett requires a magazine with feeding lips 76a and 76b to push tooth 52 out of the magazine well 24, whereas the presently claimed magazine catch is configured to prevent interference of the magazine catch with the locking feature of a magazine either with or without feeding lips. Garrett does not teach each and every limitation of claims 1 and 20 and therefore does not anticipate claims 1 and 20. Claims 2-6 and 21-23 depend from claims 1 and 20, respectively, and are therefore not anticipated by Garrett for the same reasons as claims 1 and 20 and for the additional limitations recited therein.

FIG. 2



Rejection of the Claims under 35 U.S.C. §103

Claims 7, 8 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Garrett (5519954) in view of Elbe et al (4058922) and further in view of Ludwig et al (4326353). Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Garrett (5519954) in view of Ludwig et al (4326353). Claim 24 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Garrett in view of Johnson (4709496). None of Elbe, Ludwig or Johnson disclose at least a magazine catch comprising a curvilinear surface and an angular notch, the curvilinear surface configured to prevent interference of the magazine catch with the locking feature during insertion of the magazine, wherein the magazine catch is configured to rotate as the tabbed magazine is being inserted and the angular notch is configured to engage a locking feature on the tabbed magazine when the tabbed magazine is fully inserted into the receiver well. The disclosures of Elbe, Ludwig or Johnson, either alone or in combination, therefore do not

remedy the deficiencies of Garrett in regards to claims 1 and 20. Accordingly, claims 1 and 20 are patentable over Garrett in view of Elbe and further in view of Ludwig. Claims 7, 8 and 10 are dependent on claim 1 and are patentable over Garrett in view of Elbe and Ludwig for the same reasons as claim 1 and for the addition limitations recited therein. Similarly, claim 9 depends from claim 1 and is patentable over Garrett in view of Ludwig for the same reasons as claim 1 and for the addition limitations recited therein. Lastly, claim 24 is dependent on claim 20, and is patentable over Garrett in view of Johnson for the same reasons as claim 20 and for the addition limitations recited therein.

**CONCLUSION**

As all objections and rejections have been addressed, Applicant respectfully requests reconsideration of the pending claims and a finding of their allowability. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,  
BANNER & WITCOFF, LTD.



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By:

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Scott A. Burow  
Reg. No. 42,373

Banner & Witcoff, LTD.  
Ten South Wacker Drive  
Chicago, Illinois 60606  
Tel: (312) 463-5000  
Fax: (312) 463-5001